

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, August 10, 2005
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, July 27, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, August 3, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, July 27, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: June 29, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 9 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Metropolitan Transit System (MTS): Administrative Assessment of Civil Liability against the MTS (formerly known as the Metropolitan Transit Development Board) Violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity at its Mission Valley East Light Rail Transit Project in San Diego. The Regional Board will consider accepting a proposed settlement in response to Administrative Civil Liability Complaint No. R9-2005-0062. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0173) (*Vicente Rodriguez*)
6. SeaWorld San Diego: Administrative Assessment of Civil Liability as a \$6,000 Mandatory Minimum Penalty against SeaWorld San Diego for violations of effluent limitations contained in Regional Board Order No. 2000-0025, *Waste Discharge Requirements for SeaWorld San Diego, Discharge to Mission Bay*. The Regional Board will consider adoption of an order accepting settlement of the proposed liability in response to Administrative Civil Liability Complaint No. R9-2005-0129. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0223) (*Mark Alpert*)
7. South Orange County Wastewater Authority (SOCWA): Administrative Assessment of Civil Liability as a \$9,000 Mandatory Minimum Penalty against the SOCWA for violation of effluent limitations established by Order No. R9-2000-0013, *Waste Discharge Requirements Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall in Orange County*. The Regional Board will consider adoption of an order accepting settlement of the proposed liability in response to Administrative Civil Liability Complaint No. R9-2005-0124. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0224) (*Mark Alpert*)
8. Revision of Master Reclamation Permit with Waste Discharge Requirements: Olivenhain Municipal Water District, 4-S Ranch Wastewater Treatment Plant, San Diego County (tentative Addendum No. 2 to Order No. R9-2003-0007) (*Brian Kelley*)

9. Revision of Waste Discharge Requirements: Port of San Diego, Campbell Shipyard Bay Sediment Cap, Closure and Maintenance, San Diego Bay (tentative Addendum No 1 to Order No. R9-2004-0295) (*Dat Quach*)

Remainder of the Agenda (Non-Consent Items):

10. NPDES Permit Reissuance: Waste Discharge Requirements For The Fallbrook Public Utility District Wastewater Treatment Plant No. 1 Discharge To The Pacific Ocean Via The Oceanside Ocean Outfall (Tentative Order No. R9-2005-0137, NPDES No. CA0108031) (*Victor Vasquez*)
11. NPDES Permit Reissuance: Waste Discharge Requirements For The City Of Oceanside San Luis Rey And La Salina Wastewater Treatment Plants And Brackish Groundwater Desalination Facility Discharge To The Pacific Ocean Via The Oceanside Ocean Outfall (Tentative Order No. R9-2005-0136, NPDES No. CA0107433) (*Victor Vasquez*)

Time Certain – 10:30 a.m.

12. Cleanup of Marine Sediments in San Diego Bay adjacent to Shipyard Leaseholds: Discussion concerning Tentative Cleanup and Abatement Order No. R9-2005-0126 and follow up to Public Workshop conducted on June 29, 2005. To assure that the Regional Board proceedings in this matter are fair and impartial, it is necessary to separate the functions of staff members presenting evidence from staff members advising the Regional Board. Arthur Coe will direct staff presenting evidence and recommendations to the Regional Board, and John Robertus will direct staff advising the Regional Board on these matters.

- a. Status Report on the Development of appropriate Marine Sediment Quality Objectives by the State Water Resources Control Board and the Southern California Coastal Water Research Project. No action will be taken by the Regional Board. (*John Robertus*)

- b. Status Report on Documents and Activities related to the Cleanup of Sediments in San Diego Bay and in support of Tentative Cleanup and Abatement Order No. R9-2005-0126. No action will be taken by the Regional Board. (*Arthur Coe*)

- c. Discussion of a Process to establish Marine Sediment Quality Objectives, to establish cleanup levels, and to issue a Cleanup and Abatement Order. The Regional Board will consider whether to amend its Water Quality Control Plan (Basin Plan) to adopt Sediment Quality Objectives prior to issuance of a Cleanup and Abatement Order with final cleanup levels. That Process shall include having the Chair conduct one or more pre-hearing conferences to set the procedures for the Cleanup and Abatement Order proceeding(s). Action may be taken by the Regional Board. (*John Robertus*)

13. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the

Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.

14. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
15. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
16. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Arrangements for Next Meeting and Adjournment
Wednesday, September 14, 2005 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. On May 23, 2005, the Regional Board issued Addendum No. 5 to Cleanup and Abatement Order No. 2001-226, Former Delta Discount Gas, 28111 Front Street, Temecula, CA. Addendum No. 5 amends Directive A.2 by adding the latest electronic reporting requires to the ground water monitoring program. Addendum No. 5 also amends Directive A.5 to identify June 30, 2005 as the date by which the Dischargers shall begin implementation of the CAP. (*Jody Ebsen*)

B. 30-day notice: Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter to the U.S. Marine Corps (USMC) for a leaking

underground storage tank (UST) case and rescind Cleanup and Abatement Order (CAO) 95-09. On January 11, 2005 the Regional Board received from the USMC, Camp Pendleton, "Closure Report for the Former Fuel Farm, Marine Corps Air Station (MCAS)". The report documents satisfactory compliance with the directives of CAO 95-09. CAO 95-09 was issued to compel the USMC to cleanup and abate groundwater pollution caused by past discharges of petroleum wastes into soil and groundwater at former MCAS fuel farm. The consultant recommends no further action be taken at the site. Provided no significant issues arise during the public notification period the Regional Board will notify the USMC of our acceptance of the consultant's recommendation, issue a no further action letter, and rescind CAO 95-09. (*Jody Ebsen*)

C. 30-day notice: Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter for a leaking underground storage tank (UST) case and rescind Cleanup and Abatement Order (CAO) 89-51. The Regional Board intends to issue a no further action letter to the Golden West Hotel and Unocal Corporation (Dischargers). Regional Board staff has prepared a closure summary, a staff report, and an order (Order No. R9-2005-0131) rescinding Cleanup and Abatement Order (CAO) No. 89-51, for the unauthorized release of petroleum fuel wastes at 235 Market Street, San Diego. The Dischargers have completed corrective actions to remove free phase petroleum from the ground water and remove soil wastes containing fuel constituents. The corrective actions completed by the Dischargers satisfy the directives of CAO No. 89-51. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter and Order R9-2005-0131 rescinding CAO 89-51. (*Sue Pease*)

D. 30-day notice: Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to rescind Cleanup and Abatement Order (CAO) No. 91-45. CAO No. 91-45 was issued to the Redevelopment Agency of San Diego, G.T.F. Properties and Shell Oil Company, Golden West Hotel and Unocal Corporation, and Greyhound Lines Incorporated and Transportation Leasing Company (the Dischargers) for cleanup and abatement of past discharges of petroleum wastes into the groundwater creating a commingled plume of light nonaqueous phase liquid (LNAPL) beneath the Marina District in the City of San Diego. The Dischargers have complied with the directives in CAO No. 91-45 including implementation of remedial action plans, site specific corrective action plans, removal of free phase petroleum product from the ground water, monitoring of the dissolved phase pollution in the ground water, and verification sampling and monitoring. Provided no significant issues arise during the public notification period, the Regional Board will issue Order No. R9-2005-0135 rescinding CAO 91-45 and addenda thereto. (*Sue Pease*)

E. 30-day notice: Pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, §2728, the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing public notification of our intent to issue a no further action letter for a leaking underground storage tank (UST) case. The Regional Board intends to issue a no further action letter to the Escondido School District for an unauthorized release of petroleum fuel wastes at San Pasqual High School located at 3300 Bear Valley Parkway in Escondido. Since 1997, petroleum fuel wastes have naturally attenuated and most constituents of concern, except for benzene, are currently at concentrations below water quality objectives. Based upon the existing information, the residual concentrations of fuel constituents do not pose a threat to human health or the environment, the residual concentration of benzene is expected to naturally attenuate at an acceptable rate, and the unauthorized release case may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in late August 2005. (*Sue Pease*)

DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.